

United States District Court, Northern District of Illinois

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| Name of Assigned Judge or Magistrate Judge | JAMES F. HOLDERMAN | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 07 C 6800 | DATE | April 15, 2008 |
| CASE TITLE | Tyrone Owens (#2007-0076179) vs. Sheriff Tom Dart, et al. | | |

DOCKET ENTRY TEXT:

The plaintiff's motion for leave to file one copy [#31] is denied. The plaintiff's motion to dismiss [#32] is denied as moot. The plaintiff's motion to consent to magistrate judge [#33] is denied. The plaintiff's motion to pardon his late filing of courtesy copies [#35] is granted. The plaintiff's third motion for appointment of counsel [#36] is denied. The Clerk is directed to mail the plaintiff a magistrate judge consent form.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

The plaintiff, an inmate in the custody of the Cook County Department of Corrections, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The plaintiff claims that the defendants, the Cook County Sheriff and the Director of the Cook County Jail, have violated the plaintiff's constitutional rights by subjecting him to inhumane and unduly restrictive conditions of confinement and by retaliating against him for his grievances. This matter is before the court for ruling on pending motions.

The plaintiff's motion for leave to file one copy of court filings is denied. The court requires that the plaintiff: (a) provide the court with the original plus a judge's copy of every document filed; and (b) include a certificate of service showing that a copy was mailed to opposing counsel. The court will not relax this requirement. Nevertheless, the plaintiff's motion "to pardon" his belated filing of courtesy copies is granted.

The plaintiff's motion "to dismiss the defendants' motion to dismiss" is denied as moot. The court denied the defendants' motion for judgment on the pleadings by Minute Order of March 14, 2008.

The plaintiff's motion "to consent to magistrate judge" is denied. Consent to proceed before a magistrate judge pursuant to 28 U.S.C. § 636(c) is strictly voluntary; the court cannot grant a motion to consent. However, the Clerk of Court will provide the plaintiff with a consent form. If the plaintiff signs and returns the consent form to the Clerk, it will be forwarded to defense counsel for her consideration.

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STATEMENT (continued)

Finally, the plaintiff's third motion for appointment of counsel is denied. By Minute Orders of December 11, 2007, and March 6, 2008, the court denied the plaintiff's first two motions for appointment of counsel, relying on the factors set forth in *Merritt v. Faulkner*, 697 F.2d 761, 764 (7th Cir. 1983), and its progeny. The plaintiff's present motion does not provide any additional information which persuades the court that its previous decision should be reconsidered. This case is not complex; furthermore, the court grants *pro se* litigants wide latitude in the drafting of their pleadings. The plaintiff, a highly experienced litigator, appears quite capable of presenting his claims. Consequently, for the reasons set forth in the court's previous order denying counsel, the plaintiff's second motion will be denied. As this is the plaintiff's third motion for appointment of counsel in as many months, the court will not entertain another motion for appointment of counsel absent a drastic change in circumstances.